

§ 171.0

Subpart E—Restoration of Proceeds of Sale

- 171.41 Application of provisions for petitions for relief.
- 171.42 Time limit for filing petition for restoration.
- 171.43 Evidence required.
- 171.44 Forfeited property authorized for official use.

Subpart F—Expedited Petitioning Procedures

- 171.51 Application and definitions.
- 171.52 Petition for expedited procedures in an administrative forfeiture proceeding.
- 171.53 Ruling on petition of expedited procedures.
- 171.54 Substitute res in an administrative forfeiture action.
- 171.55 Notice provisions.

Subpart G—Supplemental Petitions for Relief

- 171.61 Time and place of filing.
- 171.62 Supplemental petition decision authority.
- 171.63 [Reserved]
- 171.64 Waiver of statute of limitations.

APPENDIX A TO PART 171—GUIDELINES FOR DISPOSITION OF VIOLATIONS OF 19 U.S.C. 1497

APPENDIX B TO PART 171—CUSTOMS REGULATIONS, GUIDELINES FOR THE IMPOSITION AND MITIGATION OF PENALTIES FOR VIOLATIONS OF 19 U.S.C. 1592

APPENDIX C TO PART 171—CUSTOMS REGULATIONS GUIDELINES FOR THE IMPOSITION AND MITIGATION OF PENALTIES FOR VIOLATIONS OF 19 U.S.C. 1641

APPENDIX D TO PART 171—GUIDELINES FOR THE IMPOSITION AND MITIGATION OF PENALTIES FOR VIOLATIONS OF 19 U.S.C. 1593A

AUTHORITY: 18 U.S.C. 983; 19 U.S.C. 66, 1592, 1593a, 1618, 1624; 22 U.S.C. 401; 31 U.S.C. 5321; 46 U.S.C. App. 320.

Subpart F also issued under 19 U.S.C. 1595a, 1605, 1614.

SOURCE: T.D. 70-249, 35 FR 18265, Dec. 1, 1970, unless otherwise noted.

§ 171.0 Scope.

This part contains provisions relating to petitions for relief from fines, forfeitures, and certain penalties incurred, and petitions for the restoration of proceeds from sale of seized and forfeited property. This part does not relate to petitions on claims for liquidated damages or penalties which are guaranteed by the conditions of the

19 CFR Ch. I (4-1-08 Edition)

International Carrier Bond (see § 113.64 of this Chapter).

[T.D. 00-57, 65 FR 53576, Sept. 5, 2000]

Subpart A—Application for Relief

SOURCE: T.D. 00-57, 65 FR 53576, Sept. 5, 2000, unless otherwise noted.

§ 171.1 Petition for relief.

(a) *To whom addressed.* Petitions for the remission or mitigation of a fine, penalty, or forfeiture incurred under any law administered by Customs must be addressed to the Fines, Penalties, and Forfeitures Officer designated in the notice of claim.

(b) *Signature.* For commercial violations, the petition for remission or mitigation must be signed by the petitioner, his attorney-at-law or a Customs broker. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory official of the corporation, or a responsible employee representative of the corporation. Electronic signatures are acceptable. In non-commercial violations, a non-English speaking petitioner or petitioner who has a disability which may impede his ability to file a petition may enlist a family member or other representative to file a petition on his behalf. The deciding Customs officer may, in his or her discretion, require proof of representation before consideration of any petition.

(c) *Form.* The petition for remission or mitigation need not be in any particular form. Customs can require that the petition and any documents submitted in support of the petition be in English or be accompanied by an English translation. The petition must set forth the following:

- (1) A description of the property involved (if a seizure);
 - (2) The date and place of the violation or seizure;
 - (3) The facts and circumstances relied upon by the petitioner to justify remission or mitigation; and
 - (4) If a seizure case, proof of a petitionable interest in the seized property.
- (d) *False statement in petition.* A false statement contained in a petition may